

Appl. No. : 10/728,693  
Filed : December 5, 2003

### REMARKS

Claims 1 and 9 have been amended. Claims 5-7 have been canceled. Claims 13, 44 and 57-89 have been withdrawn. Applicants respectfully submit that previously withdrawn claims 45-56 are dependent on generic claim 1 and are, therefore, allowable, if Claim 1 is allowed.

Independent Claims 1 and 9 were previously rejected as being obvious over U.S. Patent No. 5,551,917 to Dickson in view of U.S. Patent No. 5,181,439 to Schwartz. As amended, Claims 1 and 9 now recite using a pre-selected color to identify at least two physical properties of the fastener. It is respectfully submitted that neither Dickson nor Schwartz, alone or in combination, teaches or suggests the inventions defined by presently amended Claims 1 and 9.

It is also respectfully submitted that U.S. Patent No. 3,550,244 to Villo et al. neither teaches nor suggests the invention defined by the amended claims. Villo teaches using a colored symbol on a dowel to indicate only the diameter of the dowel. See Col. 1, Lines 60-65. Villo fails to teach using an exposed colored portion of a fastener to indicate at least two physical properties as recited in the amended claims.

Accordingly, Applicants respectfully submit that the pending and claims are in condition for immediate allowance.

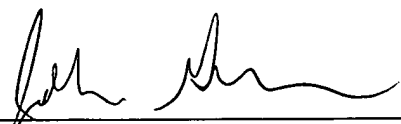
If any minor obstacles to allowability are noted which may be corrected by Examiner's amendment, the Examiner is respectfully invited to contact the undersigned by telephone.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

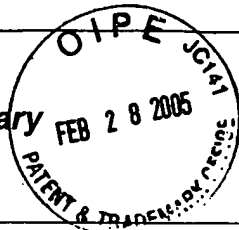
Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 2/24/05

By:   
John P. Giezantanner  
Registration No. 39,993  
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# Interview Summary



Application No.

10/728,693

Applicant(s)

ALBERTSON ET AL.

Examiner

Katherine W. Mitchell

Art Unit

3677

All participants (applicant, applicant's representative, PTO personnel):

(1) Katherine W. Mitchell.

(3) John Gallagher.

(2) John Giertzentanner.

(4) Stephen Albertson.

Date of Interview: 14 February 2005.

Type: a) ☐ Telephonic b) ☐ Video Conference

c) ☒ Personal [copy given to: 1) ☒ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☒ Yes e) ☐ No.

If Yes, brief description: shadowbox with invention and prior art fasteners.

Claim(s) discussed: independent.

Identification of prior art discussed: Campbell.

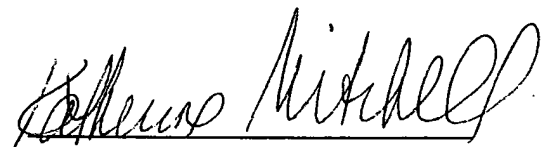
Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: : Independent claims proposed amendment to described color coding representing 2 shaft properties. Examiner agrees that Campbell doesnot have fasteners as amended and connector/fastener system preselected based on color, and dual properties of shaft reads over Campbell. Examiner agreed to call applicant if research found new art or new consideration of old art seems to read on amended claims. Fastener and connector system similarly appears amended claim reads over applied art. Examiner noted that systems could include kit and kits are considered patentable.

**Pending Claim 1**



(Original) A fastener comprising:

A shaft having a first end and second end;

An exposed portion attached to the first end of the shaft: and

An identifying color on the exposed portion, the identifying color pre-selected to correspond to at least one specified physical property of the fastener, the identifying color being capable of being recognized by a person of normal vision from a distance of at least 18 feet when the shaft has been inserted into a surface.

**Proposed Amendment**

(Once Amended) A fastener comprising:

a shaft having a first end and second end;

an exposed portion attached to the first end of the shaft: and

an identifying color on the exposed portion, the identifying color pre-selected to correspond to [at least one] two specified physical [property] properties of the shaft of the fastener, the identifying color on the exposed portion being capable of being recognized by a person of normal vision from a distance of at least 18 feet when the shaft has been inserted into a surface.

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### **Pending Claim 9**

(Original) A method of identifying fastener physical properties during building inspection, comprising:

selecting a plurality of colors to apply to an exposed surface of a fastener, where each color connotes one or more properties of the fastener;

applying one of said plurality of colors to the exposed surface of the fastener, so that the color may be recognized by a person of normal vision from a distance of at least 10 feet;

inserting the fastener into an object; and

providing a building inspector with color key indicating the physical properties that each selected color connotes.

### **Proposed Amendment**

(Once Amended) A method of identifying the physical properties of an inserted fastener [physical properties during building inspection,] comprising:

selecting a plurality of colors to apply to [an exposed surface] a portion of a fastener that is exposed then the fastener is inserted into an object, where each color connotes [one or more] a different combination of two physical properties of the fastener;

applying one of said plurality of colors to the exposed surface of the fastener, so that the color may be recognized by a person of normal vision from a distance of at least 10 feet;

inserting the fastener into an object; and

providing a [building inspector with] color key with the selected plurality of colors indicating the specific combination of two physical properties that each selected color connotes.